

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR.JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.MC.No. 4107 of 2006()

CRMP.5441/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA
CRIME NO.212 OF 2006 OF KEEZHVAIPUR POLICE STATION
.....

PETITIONER: REVISION PETITIONER (ACCUSED)

ROY M.K., MUTTATHUPARA VEEDU,
KULATHOOR-PRAYAR KARA,
VELLAVOOR VILLAGE, KOTTAYAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: COMPLAINANT AND STATE.

1. SUB INSPECTOR OF POLICE,
PERUMPETTY.
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.4107 of 2006

Dated this the 22nd day of January 2007

O R D E R

The petitioner's vehicle - a mini lorry is allegedly seized by the officials alleging illicit transportation of sand using the same. It was directed to be released to the petitioner subject to conditions. Later, further allegation was made that the same vehicle was used for the commission of an identical offence again. The vehicle was again seized. An application was filed by the petitioner to release the vehicle to him. The learned Magistrate, by the impugned order, (copy of which is produced as Annexure A1) directed that the question of release shall not be considered until proceedings initiated under Section 446 Cr.P.C, in respect of the earlier release on the ground that the vehicle was used for commission of the offence again, is disposed of. The petitioner has come to this court aggrieved by the said order. Report from the learned Magistrate shows that the earlier proceedings under Section 446 Cr.P.C has now been disposed of.

2. It is for the petitioner now to approach the learned

Magistrate afresh for release of the vehicle to him. The learned Magistrate must pass appropriate orders expeditiously on such application, if any, filed by the petitioner.

3. This Criminal Miscellaneous Case is dismissed with the above observation.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006